

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEZMEN TAMIRE PATRON,

Defendant.

CR 18-09-M-DWM

NOTICE AND ORDER

This matter is before the Court on a “Application for Leave to File a Second or Successive Motion to Vacate, Set Aside, or Correct Sentence, 28 U.S.C. § 2255(h)” filed by Defendant Dezmen Tamire Patron (“Patron”). (Doc. 98.) Patron originally mailed this document to the Ninth Circuit Court of Appeals. (Doc. 98 at 2.) The Circuit forwarded the document to be filed in the present matter.

On July 23, 2024, the Court entered an order noting that although Patron’s filing purported to be a request for leave to file a second or successive Section 2255 motion, he had not yet filed a first motion. (Doc. 99.) Patron was informed any claims he wished to advance must be presented in an original motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255. (*Id.* at 1-2.) Patron was

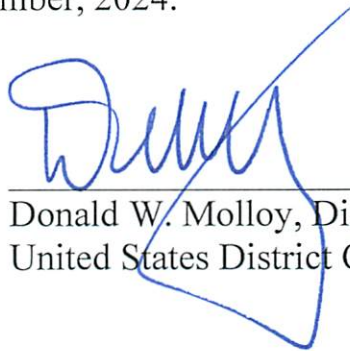
advised that if he wished to proceed, he needed to set forth all of his claims for relief under § 2255 in an amended motion; Patron was given 45 days to respond.

(*Id.* at 2-3.) To date, Patron has failed to comply with the Order.

Accordingly, IT IS ORDERED that:

1. Patron's Application for Leave to File a Second or Successive Motion (Doc. 98) is DISMISSED without prejudice..
2. The Clerk of Court shall ensure that all pending motions in CV 24-102-M-DWM are terminated and shall close the civil file by entering a judgment of dismissal.

DATED this 23rd day of September, 2024.



Donald W. Molloy, District Judge
United States District Court